

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

FREDRICK VANCE

PLAINTIFF

v.

NO. 4:06CV129-P-D

ROBERT BENFORD, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated August 23, 2007, and the September 10, 2007, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated August 23, 2007, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the defendants' motion to dismiss is hereby **GRANTED**.
3. That instant case is hereby **DISMISSED** with prejudice as frivolous, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

THIS, the 12th day of September, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE